

June 16, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20445

Re: MB Docket No. 04-160

We strongly support the NAB Petition of April 14, 2004 seeking a Declaratory Ruling on satellite radio's broadcasting of local weather and traffic, and future plans to expand their reach into local radio (MB Docket No. 04-160).

Satellite radio cannot serve our communities. It can, however, greatly harm our industry and economy.

In granting licenses for satellite radio, the FCC relied on the express promises by XM Radio Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius") that their service would be national-only. They would provide multiple foreign language programming, senior citizens and children's programming, etc. And, because satellite radio would be national, local broadcasters would not be harmed.

Now XM and Sirius have blatantly broken their promises, launching "localized" traffic and weather service in the top twenty-one markets. *This is only the beginning.*

It's clear from the comments they filed in opposition to the NAB Petition that XM and Sirius view the sky as the limit – with technology to continue to "localize" their services they can make their formats virtually indistinguishable from local radio formats.

Without FCC intervention, two companies, with 120 channels each, could reach into every market and try to mimic what local broadcasters do.

Our nine stations in the Fresno, California market provide a variety of local news, local traffic and local weather service to our community at considerable cost.

Satellite radio does not have public interest limits and it does not have any local investment in our community.

The \$9.6 billion that broadcasters gave to their local communities in 2003 speaks volumes to our commitment to public service. This dedication involves local people who live in the San Joaquin Valley of California and work at our radio stations and get involved in our community and its events locally.

The FCC, in authorizing satellite radio, vowed to protect “vibrant” local broadcasting, and promised to take “any necessary action to safeguard the important service that terrestrial radio provides.” *That time is now.*

Before XM and Sirius invest millions of dollars in technology, and further raise consumers’ expectations about their ability to receive specific content, the FCC must clarify that it authorized a national-only satellite radio service.

Respectfully,

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